

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX Gas Company, LLC, Successor to )  
Buchanan Production Company )  
Hugh MacRae Land Trust/Torch Operating )  
Company )

DOCKET NO.  
95-1024-0526-03

RELIEF SOUGHT: Issuance of an Amended Supplemental )  
Order Amending Prior Orders Affecting )  
Drilling Unit VP8SGU1 Located in )  
Buchanan County, VA )  
(herein "Subject Drilling Unit" to Provide: )  
(1) Calculation of Funds Unit Operator )  
Deposited into the Escrow Account for )  
Subject Drilling Unit by Tract Subaccounts; )  
(2) to Applicants a Royalty Accounting; and )  
(3) Disbursement to CNX Gas Company, )  
LLC and Hugh MacRae Land Trust/Torch )  
Operating Company in Accordance with )  
their ownership interests and their )  
Royalty Split Agreement Those Funds )  
Deposited by the Unit Operator into Subject )  
Drilling Unit's Escrow Subaccount for )  
VGOB Tracts 13, 14 and 18 )

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on May 18, 2004 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the

Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. On April 1, 1996, the Board executed its order pooling all interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on April 8, 1996 in Deed Book 447 at Page 391. The Pooling Order was supplemented by the Board's Supplemental Order Regarding Elections executed on March 27, 1997 that was filed with the Clerk's Office on April 10, 1997 in Deed Book 460 at page 740 ("Supplemental Order") (hereafter the Pooling Orders and the Supplemental Order are collectively referred to as the "Pooling Orders"). On April 7, 1999, the Board executed an unrecorded order under docket number 95-1024-0526-01 for disbursement of funds from escrow for Tracts 11, 12, 16 and 20 of the unit. On September 30, 2004, the Board executed an order under Docket Number 95-1024-0526-02 and recorded in the Clerk's office in Book 604 at Page 54 for disbursement of funds from escrow for Tract 3 of the unit; Tract 3 funds were disbursed after testimony and after the Accounting was submitted necessitating recalculation of disbursement percentages as shown in Paragraphs 5.2 and 6, below. On June 17, 2003, The Board executed an order without docket number amending all prior pooling orders that named Buchanan Production Company, Pocahontas Gas Partnership, Island Creek Coal Company or Consol Energy, Inc. as unit operator, and designated CNX Gas Company, LLC as operator. In Buchanan County, the amendment order was recorded with the Buchanan County Clerk in Deed Book 585, Page 65.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Orders the coalbed methane claims of oil and gas fee owner CNX Gas Company, LLC and coal fee owner Hugh MacRae Land Trust/Torch Operating Company in a 27.34-acre tract known as VGOB Tract 13, a 28.31-acre tract known as VGOB Tract 14, and a 39.66-acre tract known as VGOB Tract 18 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 In testimony and by petition, a copy of which is attached to and made a part hereof, CNX Gas Company, LLC states under oath that Applicants are parties to a Royalty Split Agreement. Said Royalty Split Agreement allows the Designated Operator to pay future royalties directly to persons who are parties to the agreement and, further, specifies that 50% of escrowed funds and future royalties attributable to VGOB Tracts 13, 14 and 18 shall be paid to CNX Gas Company, LLC, and 50% of escrowed funds and future royalties attributable to VGOB Tracts 13, 14 and 18 shall be paid to Hugh MacRae Land Trust/Torch Operating Company.
- 4.4 Petitioner gave notice to Hugh MacRae Land Trust/Torch Operating Company that the Board would take the Affidavit referred to in Paragraph 4.3 above under consideration at its hearing on May 18, 2004 and consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tracts 13, 14 and 18 and the interests of CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company, (2) delete the requirement that the Unit Operator place future royalties attributable to Tract 13, 14 and 18 and the interests of CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to escrow.

4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

5.2 Petitioner has certified and represented to the Board that:

- (1) CNX Gas Company, LLC is the owner of 100% of oil and gas estate underlying VGOB Tracts 13, 14 and 18 of the Subject Drilling Unit;
- (2) Hugh MacRae Land Trust/Torch Operating Company is the owner of 100% of the coal estate underlying VGOB Tracts 13, 14 and 18 of the Subject Drilling Unit,
- (3) Tracts 13, 14 and 18 of unit VP8SGU1 are subject to the Royalty Split Agreement described in petition and testimony, and referred to in Paragraph 4.3, above, specifying that 50% of escrowed and future royalties attributable to Tracts 13, 14 and 18 are to be paid to CNX Gas Company, LLC, and 50% of escrowed and future royalties attributable to Tracts 13, 14 and 18 are to be paid to Hugh MacRae Land Trust/Torch Operating Company.
- (4) Net interests attributable and to be disbursed to Applicants are shown in Table 1, below.

TABLE 1			
Tract # Owner Names	Net acres In unit	% interest in unit	% interest in 95-1024-0526 balance
Tract 13 CNX Gas Co. Hugh MacRae Land Trust	27.34	4.31136	5.0575 5.0575
Tract 14 CNX Gas Co. Hugh MacRae Land Trust	28.31	4.46432	5.2370 5.2370
Tract 18 CNX Gas Co. Hugh MacRae Land Trust	39.66	6.25415	7.3366 7.3366

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order: (1) disburse fifty percent (50%) of the funds attributable to VGOB Tracts 13, 14 and 18, being 17.631 percent of funds on deposit in the escrow sub-account on the date of disbursement, to:

CNX Gas Company, LLC  
P. O. Box 947  
Bluefield, Virginia 24605

and, (2) disburse fifty percent (50%) of the funds attributable to VGOB Tracts 13, 14 and 18, being 17.631 percent of funds on deposit in the escrow sub-account on the date of disbursement, to:

Hugh MacRae Land Trust/Torch Operating Company  
c/o Akin, Gump, et al.  
590 Madison Avenue, 20<sup>th</sup> Floor  
New York, NY 10022  
Attn: Alan Siegel

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted in toto and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of CNX Gas Company, LLC and Hugh MacRae Land Trust/Torch Operating Company in VGOB Tracts 13, 14 and 18 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**


Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

8. **Appeals:**

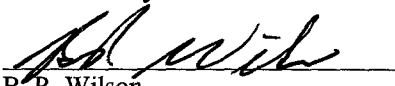
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 11<sup>th</sup> day of August, 2005, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

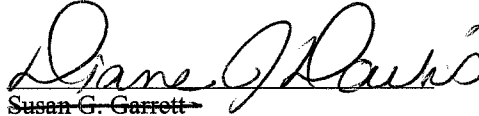
DONE AND PERFORMED this 17<sup>th</sup> day of August, 2005, by an Order of this Board.

  
B. R. Wilson  
Principal Executive to the Staff

Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF ~~WISE~~ WASHINGTON )


Acknowledged on this 11<sup>th</sup> day of August, 2005, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
~~Susan G. Garrett~~  
Notary Public

My Commission expires: 9/30/05

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 12<sup>th</sup> day of August, 2005, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public

My commission expires: 9/30/05

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER: CNX Gas Company LLC**

**DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 95-1024-0526**

**RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) 13, 14 and 18  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES**

**HEARING DATE: May 18, 2004**

**SEALED GOB DRILLING UNIT: VP8SGU1**

**BUCHANAN COUNTY, VIRGINIA**

**MISCELLANEOUS PETITION**

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **SWARTZ & STUMP, L.C.**, P.O. Box 517, Abingdon, VA 24212.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 13, 14 and 18 as depicted upon the annexed Exhibit AA dated September 22, 1995; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hugh MacRae Land Trust / Torch Operating Company and CNX Gas Company LLC.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

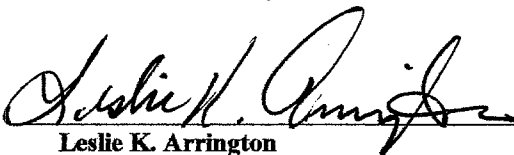
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Hugh MacRae Land Trust / Torch Operating Company and CNX Gas Company LLC, have entered into a royalty split agreement. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid, to-wit: 15.2131 percent of escrow (includes all three tracts) to Hugh MacRae Land Trust / Torch Operating Company and 15.2131 total percent of escrow (includes all three tracts) to CNX Gas Company LLC.

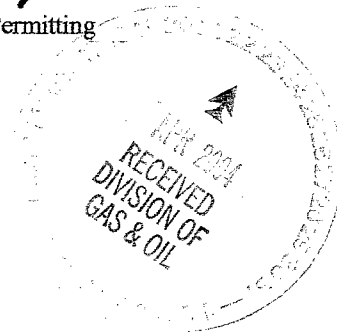
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

**CNX GAS COMPANY LLC**  
BY IT'S PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By:



**Leslie K. Arrington**  
Manager – Environmental / Permitting  
CNX Gas Company LLC  
P.O. Box 947  
Bluefield, Virginia 24605  
276/988-1000



[illegible]

14	15	16	17	18	19	20	22	24	Check Total	+ / - Net Income	Operator Balance	Bank Balance
28.31	67.35	13.6	50.47	39.66	1.5	1.39	11.14	0.3	313.25			
\$1,623.31	\$3,861.82	\$779.85	\$28,289.88	\$2,274.09	\$86.01	\$79.70	\$638.83	\$17.26	\$28,289.88	\$0.00	\$28,289.88	\$28,289.88
\$113.32	\$269.60	\$54.44	(\$15,683.05)	\$158.78	\$6.00	\$5.57	\$44.61	\$1.21	\$1,264.22	\$0.00	\$29,554.10	\$29,554.10
\$115.46	\$274.64	\$55.47	\$205.79	\$161.73	\$6.12	\$5.67	\$45.44	\$1.23	\$1,385.22	(\$20.21)	\$30,919.11	\$30,919.11
\$105.26	\$250.44	\$50.57	\$187.64	\$147.48	\$5.58	\$5.17	\$41.46	\$1.12	\$1,286.72	\$236.31	\$32,443.28	\$32,443.28
\$154.81	\$368.29	\$74.39	\$275.97	\$216.86	\$8.20	\$7.60	\$60.90	\$1.65	\$1,892.12	\$0.00	\$33,966.31	\$33,966.31
\$173.76	\$413.37	\$83.48	\$309.76	\$243.42	\$9.21	\$8.53	\$68.42	\$1.86	\$2,123.82	\$0.00	\$35,858.43	\$35,858.43
\$194.75	\$463.31	\$93.55	\$347.21	\$272.82	\$10.32	\$9.56	\$76.63	\$2.06	\$2,380.36	\$216.27	\$37,982.25	\$37,982.25
\$117.59	\$279.76	\$56.50	\$209.64	\$164.74	\$6.23	\$5.77	\$46.30	\$1.24	\$1,437.34	\$0.00	\$40,578.88	\$40,578.88
\$82.23	\$195.64	\$39.50	\$146.60	\$115.21	\$4.36	\$4.04	\$32.36	\$0.89	\$1,005.16	\$238.09	\$42,016.22	\$42,016.22
\$63.24	\$150.45	\$30.38	\$112.76	\$88.61	\$3.35	\$3.10	\$24.88	\$0.69	\$773.04	\$0.00	\$43,259.47	\$43,259.47
	\$218.77		\$163.94	\$128.82	\$4.87		\$36.21	\$0.97	\$836.81	\$0.00	\$44,032.51	\$44,032.51
\$203.22	\$264.67	\$97.61	\$198.33	\$155.84	\$5.89	\$9.98	\$43.80	\$1.18	\$1,647.03	\$0.00	\$44,869.32	\$44,869.32
\$903.24	\$2,148.79	\$52.16	(\$7,182.76)	\$1,265.37	\$47.86	\$5.33	\$355.42	\$9.57	\$1,326.98	\$913.26	\$48,756.59	\$48,756.59
\$76.73	\$182.56	\$36.87	\$136.84	\$107.52	\$4.07	\$3.77	\$30.19	\$0.80	\$938.04	\$0.00	\$49,694.63	\$49,694.63
\$117.73	\$280.07	\$56.56	\$209.89	\$164.91	\$6.24	\$5.78	\$46.33	\$1.26	\$1,438.94	\$0.00	\$51,133.57	\$51,133.57
\$55.85	\$132.85	\$26.85	\$99.55	\$78.23	\$2.96	\$2.74	\$21.97	\$0.60	\$682.59	\$0.00	\$51,816.16	\$51,816.16
\$23.15	\$55.09	\$11.11	\$41.31	\$32.44	\$1.23	\$1.14	\$9.12	\$0.25	\$283.09	\$1,133.66	\$53,232.91	\$53,232.91
\$67.80	\$161.31	\$32.56	\$120.88	\$94.98	\$3.59	\$3.33	\$26.69	\$0.73	\$828.71	\$246.68	\$54,308.30	\$54,308.30
\$72.89	\$173.40	\$35.03	\$129.97	\$102.13	\$3.86	\$3.58	\$28.70	\$0.79	\$891.04	\$20.39	\$55,219.73	\$55,219.73
\$73.53	\$174.94		\$131.07	\$103.01	\$3.90		\$28.94	\$0.81	\$813.67	\$133.02	\$56,166.42	\$56,166.42
\$41.92	\$99.74		\$74.73	\$58.73	\$2.22		\$16.51	\$0.45	\$463.93	(\$3,995.62)	\$52,634.73	\$52,634.73
\$36.28	\$86.28		\$64.63	\$50.81	\$1.92		\$14.28	\$0.39	\$401.34	\$100.29	\$53,136.36	\$53,136.36
\$32.36	\$77.05		\$57.71	\$45.33	\$1.72		\$12.75	\$0.35	\$358.24	\$155.00	\$53,649.60	\$53,649.60
\$87.35	\$207.83		\$155.77	\$122.39	\$4.63		\$34.38	\$0.93	\$966.73	\$201.69	\$54,818.02	\$54,818.02
\$106.00	\$252.17		\$188.95	\$148.48	\$5.62		\$41.74	\$1.14	\$1,172.94	\$82.96	\$56,073.92	\$56,073.92
\$82.23	\$195.60		\$146.59	\$115.21	\$4.36		\$32.34	\$0.88	\$909.87	\$260.14	\$57,243.93	\$57,243.93
\$87.21	\$207.49		\$155.48	\$122.20	\$4.62		\$34.35	\$0.93	\$965.10	\$177.37	\$58,386.40	\$58,386.40
\$150.47	\$358.06		\$268.26	\$210.80	\$7.97		\$59.25	\$1.60	\$1,665.22	\$53.78	\$60,105.40	\$60,105.40
\$149.96	\$356.76		\$267.35	\$210.11	\$7.95		\$59.03	\$1.59	\$1,659.41	\$0.00	\$61,764.81	\$61,764.81
\$122.56	\$291.63		\$218.52	\$171.72	\$6.49		\$48.25	\$1.29	\$1,356.30	\$536.70	\$63,657.81	\$63,657.81
\$159.72	\$379.98		\$284.72	\$223.76	\$8.46		\$62.88	\$1.69	\$1,767.34	\$181.51	\$65,606.66	\$65,606.66
\$74.51	\$177.25		\$132.82	\$104.37	\$3.95		\$29.32	\$0.80	\$824.50	\$205.23	\$66,636.39	\$66,636.39
\$89.62	\$213.15		\$159.75	\$125.55	\$4.75		\$35.28	\$0.96	\$991.50	\$236.38	\$67,864.27	\$67,864.27
\$109.19	\$259.75		\$194.63	\$152.94	\$5.79		\$42.99	\$1.17	\$1,208.16	\$224.66	\$69,297.09	\$69,297.09
\$117.57	\$279.67		\$209.60	\$164.69	\$6.23		\$46.26	\$1.26	\$1,300.87	\$307.98	\$70,905.94	\$70,905.94
\$144.43	\$343.62		\$257.51	\$202.35	\$7.65		\$56.84	\$1.52	\$1,598.20	\$293.90	\$72,798.04	\$72,798.04
\$157.97	\$375.88		\$281.64	\$221.33	\$8.37		\$62.16	\$1.67	\$1,748.06	\$315.51	\$74,861.61	\$74,861.61
\$184.88	\$439.84		\$329.60	\$259.01	\$9.80		\$72.77	\$1.97	\$2,045.76	\$324.30	\$77,231.67	\$77,231.67
\$170.71	\$406.16		\$304.33	\$239.16	\$9.05		\$67.20	\$1.81	\$1,889.01	\$311.77	\$79,432.45	\$79,432.45
\$153.88	\$366.06		\$274.31	\$215.57	\$8.15		\$60.55	\$1.63	\$1,702.60	\$368.43	\$81,503.48	\$81,503.48
\$157.40	\$374.42		\$280.59	\$220.49	\$8.34		\$61.94	\$1.67	\$1,741.52	\$347.23	\$83,592.23	\$83,592.23
\$200.92	\$478.02		\$358.19	\$281.50	\$10.65		\$79.05	\$2.14	\$2,223.37	\$348.27	\$86,163.87	\$86,163.87
\$279.92	\$665.91		\$499.01	\$392.12	\$14.83		\$110.13	\$2.97	\$3,097.18	\$377.71	\$89,638.76	\$89,638.76
\$495.86	\$1,179.69		\$884.02	\$694.64	\$26.27		\$195.12	\$5.27	\$5,486.76	\$281.71	\$95,407.23	\$95,407.23
\$518.21	\$1,232.80		\$923.82	\$725.96	\$27.46		\$203.91	\$5.51	\$5,733.93	\$321.04	\$101,462.20	\$101,462.20
\$309.80	\$736.97		\$552.28	\$433.96	\$16.41		\$121.90	\$3.30	\$3,427.79	\$315.19	\$105,205.18	\$105,205.18
\$313.82	\$746.64		\$559.51	\$439.65	\$16.63		\$123.47	\$3.34	\$3,472.67	\$275.74	\$108,953.59	\$108,953.59
\$301.97	\$718.43		\$538.36	\$423.02	\$16.00		\$118.80	\$3.21	\$3,341.37	\$239.28	\$112,534.24	\$112,534.24
\$250.08	\$594.95		\$445.83	\$350.36	\$13.25		\$98.38	\$2.65	\$2,767.27	\$256.91	\$115,558.42	\$115,558.42
\$207.29	\$493.19		\$369.58	\$290.39	\$10.98		\$81.56	\$2.20	\$2,293.74	\$249.92	\$118,102.08	\$118,102.08
\$61.52	\$146.31		\$109.63	\$86.24	\$3.26		\$24.32	\$0.63	\$680.90	\$191.00	\$118,973.98	\$118,973.98
\$125.11	\$297.67		\$223.05	\$175.27	\$6.63		\$49.23	\$1.33	\$1,384.43	\$173.60	\$120,532.01	\$120,532.01
\$79.52	\$189.18		\$141.75	\$111.39	\$4.21		\$31.29	\$0.84	\$879.83	\$137.25	\$121,549.09	\$121,549.09
\$68.10	\$162.03		\$121.40	\$95.42	\$3.61		\$26.78	\$0.71	\$753.57	\$147.76	\$122,450.42	\$122,450.42
\$58.72	\$139.71		\$104.68	\$82.25	\$3.11		\$23.10	\$0.62	\$649.79	\$88.17	\$123,188.38	\$123,188.38
\$76.04	\$180.91		\$135.58	\$106.54	\$4.03		\$29.95	\$0.79	\$841.52	\$65.66	\$124,095.56	\$124,095.56
\$90.73	\$144.46		\$108.29	\$85.11	\$3.22		\$23.90	\$0.63	\$672.03	\$73.00	\$124,840.59	\$124,840.59
\$66.00	\$157.07		\$117.67	\$92.45	\$3.50		\$25.96	\$0.70	\$730.37	\$82.10	\$125,653.06	\$125,653.06
\$60.39	\$143.69		\$107.66	\$84.63	\$3.20		\$23.79	\$0.63	\$668.40	\$69.06	\$126,390.52	\$126,390.52
\$82.26	\$195.70		\$146.63	\$115.24	\$4.36		\$32.38	\$0.87	\$910.25	\$66.32	\$127,367.09	\$127,367.09
\$100.30	\$238.64		\$178.81	\$140.50	\$5.32		\$39.49	\$1.07	\$1,109.85	\$70.26	\$128,547.20	\$128,547.20
\$90.38	\$215.06		\$161.12	\$126.62	\$4.79		\$35.59	\$0.95	\$1,000.19	\$68.63	\$129,616.02	\$129,616.02
\$112.82	\$268.39		\$201.13	\$158.04	\$5.98		\$44.42	\$1.20	\$1,248.45	\$58.60	\$130,923.07	\$130,923.07
\$107.28	\$255.25		\$191.24	\$150.30	\$5.68		\$42.24	\$1.15	\$1,187.07	\$64.84	\$132,174.98	\$132,174.98
\$105.03	\$249.91		\$187.25	\$147.17	\$5.57		\$41.33	\$1.11	\$1,162.30	\$62.20	\$133,399.48	\$133,399.48
\$108.02	\$256.99		\$192.53	\$151.31	\$5.72		\$42.50	\$1.17	\$1,195.13	\$30.90	\$134,625.51	\$134,625.51
\$139.56	\$332.04		\$248.79	\$195.50	\$7.39		\$54.94	\$1.51	\$1,544.28	\$28.32	\$136,198.11	\$136,198.11
\$154.76	\$368.18		\$275.87	\$216.83	\$8.20		\$60.92	\$1.63	\$1,712.40	\$14.53	\$137,925.04	\$137,925.04
\$168.54	\$400.89		\$300.46	\$236.07	\$8.93		\$66.33	\$1.78	\$1,864.75	\$24.04	\$139,813.83	\$139,813.83
\$148.49	\$353.23		\$264.75	\$208.02	\$7.87		\$58.44	\$1.60	\$1,643.12	\$16.69	\$141,473.64	\$141,473.64
\$169.07	\$402.17		\$301.43	\$236.89	\$8.96		\$66.56	\$1.79	\$1,870.81	\$23.44	\$143,367.89	\$143,367.89
\$121.78	\$289.75		\$217.11	\$170.61	\$6.45		\$47.93	\$1.31	\$1,347.61	\$14.32	\$144,729.82	\$144,729.82
\$138.40	\$329.25		\$246.72	\$193.88	\$7.33		\$54.46	\$1.49	\$1,531.42	\$6.05	\$146,267.29	\$146,267.29
\$136.17	\$323.99		\$242.75	\$190.75	\$7.22		\$53.59	\$1.45	\$1,506.81	\$5.37	\$147,779.47	\$147,779.47
\$127.95	\$304.38		\$228.10	\$179.25	\$6.78		\$50.38	\$1.37	\$1,415.81	\$8.28	\$149,203.56	\$149,203.56
\$134.67	\$320.37		\$240.08	\$188.66	\$7.14		\$52.99	\$1.45	\$1,490.13	\$12.92	\$150,706.61	\$150,706.61
\$123.98	\$294.96		\$221.03	\$173.70	\$6.57		\$48.79	\$1.32	\$1,371.95	\$8.42	\$152,086.98	\$152,086.98
\$91.55	\$217.80		\$163.23	\$128.26	\$4.85		\$36.03	\$0.97	\$1,013.04	\$15.76	\$153,115.78	\$153,115.78
\$131.48	\$312.75		\$234.37	\$184.15	\$6.97		\$51.74	\$1.42	\$1,454.71	\$11.55	\$154,582.04	\$154,582.04
\$145.04	\$345.06		\$258.59	\$203.20	\$7.68		\$57.07	\$1.53	\$1,604.90	\$0.00	\$156,186.94	\$156,186.94

9.0375% 21.5004% 16.1117% 12.6608% 0.4789% 3.5563% 0.0958% 100.0000%  
 \$14,115.41 \$33,590.82 **Resolved** \$25,164.42 \$19,774.54 \$747.90 **Resolved** \$5,554.42 \$149.56 \$156,186.94  
 iMacRae / CHX Hugh MacRae / CHX (Permac Inc.)



**Exhibit E**  
**VP8SGU1**  
**Docket No. VGOB-95/10/24-0526**  
**List of Conflicting Owners/Claimants**

Revised 8/11/05

	<b>Net Acres in Unit</b>	<b>Interest in Unit</b>
<b><u>TRACT #2 - 4.94 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac, Inc. P.O. Box 11000 Danville, VA 24543	4.94 acres	0.77901%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Norfolk Southern 185 Spring Street Atlanta, GA 30303	4.94 acres	0.77901%
<b><u>TRACT #6 - 0.52 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.52 acres	0.08200%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Virgil Lee Hess, et al Rt. 2 Box 83 Oakwood, VA 24631	0.52 acres	0.08200%
<b><u>TRACT #7 - 2.03 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac, Inc. P.O. Box 11000 Danville, VA 24543	2.03 acres	0.32012%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) John P. Ratliff Rt. 2 Box 60 Oakwood, VA 24631	2.03 acres	0.32012%
<b><u>TRACT #8 - 0.34 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac, Inc. P.O. Box 11000 Danville, VA 24543	0.34 acres	0.05362%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Pauline Ratliff Brown Rt. 2 Box 45 Oakwood, VA 24631	0.34 acres	0.05362%

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Revised 8/11/05

	Net Acres in Unit	Interest in Unit
<b><u>TRACT #9 - 0.16 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac, Inc. P.O. Box 11000 Danville, VA 24543	0.16 acres	0.02523%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Connie Hess Street, et al Rt. 2 Box 73 Oakwood, VA 24631	0.16 acres	0.02523%
<b><u>TRACT #10 - 36.23 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) T.R. Mullins, et al	36.23 acres	5.71326%
(a) Mildred C. Mullins 2500 Myers Avenue Dunbar, WV 25064	4.0256 acres 1/9 of 36.23 acres	0.63481%
(b) Ted R. Mullins, Jr. Sandra M. Gerende 2500 Myers Avenue Dunbar, WV 25064	8.0511 acres 2/9 of 36.23 acres	1.26961%
(c) Augustus C. Mullins Estate c/o Madeline M. Hunt P.O. Box 7305 Zephyrhills, FL 33544	12.0767 acres 1/3 of 36.23 acres	1.90442%
(d) George W. Mullins Executor Estate of John L. Mullins, Sr. Rt. 1 Box 40, Evergreen Hills Cottageville, WV 25239	12.0767 acres 1/3 of 36.23 acres	1.90442%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Gaston Cook Heirs, Devisees, Successors or Assigns	36.23 acres	5.71326%
(a) Mary Ann Bartram 1539 Nicolay Way Baltimore, MD 21201	3.623 acres 1/10 of 36.23 acres	0.57133%
(b) Jean C. Cline 1373 Ironwood Street Woodbridge, VA 22191	3.623 acres 1/10 of 36.23 acres	0.57133%
(c) Harold V. Cook P.O. Box 305 Oakwood, VA 24631	3.623 acres 1/10 of 36.23 acres	0.57133%
(d) Leslie K. Cook 2733 North Crede Avenue Crystal River, FL 32629	3.623 acres 1/10 of 36.23 acres	0.57133%

**Exhibit E**  
**VP8SGU1**  
**Docket No. VGOB-95/10/24-0526**  
**List of Conflicting Owners/Claimants**

Revised 8/11/05

	Net Acres in Unit	Interest in Unit
(e) Mamie K. Cook 1373 Ironwood St. Woodbridge, VA 22191	3.623 acres 1/10 of 36.23 acres	0.57133%
(f) Robert B. Cook Box 21 Rowe, VA 24646	3.623 acres 1/10 of 36.23 acres	0.57133%
(g) Nancy C. Duty P.O. Box 816 Grundy, VA 24614	3.623 acres 1/10 of 36.23 acres	0.57133%
(h) Lawonne C. Gibson 2117 Old York Road York, SC 29745	3.623 acres 1/10 of 36.23 acres	0.57133%
(i) Kathy Diane Murray 140 Janice Drive Mt. Airy, NC 27030	3.623 acres 1/10 of 36.23 acres	0.57133%
(j) Francis C. Hinchee 14411 North Fairview Lane Woodbridge, VA 22191	3.623 acres 1/10 of 36.23 acres	0.57133%
(k) Hazel C. Hart 1384 Longview Drive, Apt. 5 Woodbridge, VA 22191	(conflicting owner unknown interest)	

**TRACT #11 - 7.40 acres**

**COAL FEE OWNERSHIP**

(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	7.40 acres	1.16694%
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**OIL & GAS FEE OWNERSHIP**

(1) Consolidation Coal Company Attn.: Land Dept. 1800 Washington Road Pittsburgh, PA 15241	7.40 acres	1.16694%
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**TRACT # 12 - 10.38 acres**

**COAL FEE OWNERSHIP**

(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	10.38 acres	1.63687%
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**OIL & GAS FEE OWNERSHIP**

(1) Consolidation Coal Company Attn.: Land Dept. 1800 Washington Road Pittsburgh, PA 15241	10.38 acres	1.63687%
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**VP8SGU1**  
**Docket No. VGOB-95/10/24-0526**  
**List of Conflicting Owners/Claimants**

Revised 8/11/05

	Net Acres in Unit	Interest in Unit
<b><u>TRACT #15 - 67.35 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	67.35 acres	10.62070%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Gaston Cook Heirs, Devisees, Successors or Assigns	67.35 acres	10.62070%
(a) Mary Ann Bartram 1539 Nicolay Way Baltimore, MD 21201	6.735 acres 1/10 of 67.35 acres	1.06207%
(b) Jean C. Cline 1373 Ironwood Street Woodbridge, VA 22191	6.735 acres 1/10 of 67.35 acres	1.06207%
(c) Harold V. Cook P.O. Box 305 Oakwood, VA 24631	6.735 acres 1/10 of 67.35 acres	1.06207%
(d) Leslie K. Cook 2733 North Crede Avenue Crystal River, FL 32629	6.735 acres 1/10 of 67.35 acres	1.06207%
(e) Mamie K. Cook 1373 Ironwood St. Woodbridge, VA 22191	6.735 acres 1/10 of 67.35 acres	1.06207%
(f) Robert B. Cook Box 21 Rowe, VA 24646	6.735 acres 1/10 of 67.35 acres	1.06207%
(g) Nancy C. Duty P.O. Box 816 Grundy, VA 24614	6.735 acres 1/10 of 67.35 acres	1.06207%
(h) Lawonne C. Gibson 2117 Old York Road York, SC 29745	6.735 acres 1/10 of 67.35 acres	1.06207%
(i) Kathy Diane Murray 140 Janice Drive Mt. Airy, NC 27030	6.735 acres 1/10 of 67.35 acres	1.06207%
(j) Francis C. Hinchee 14411 North Fairview Lane Woodbridge, VA 22191	6.735 acres 1/10 of 67.35 acres	1.06207%
(k) Hazel C. Hart 1384 Longview Drive, Apt.5 Woodbridge, VA 22191	(conflicting owner unknown interest)	

**Exhibit E**  
**VP8SGU1**  
**Docket No. VGOB-95/10/24-0526**  
**List of Conflicting Owners/Claimants**

Revised 8/11/05

	Net Acres in Unit	Interest in Unit
<b><u>TRACT #16 - 13.60 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	13.60 acres	2.14464%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Consolidation Coal Company Attn.: Land Dept. 1800 Washington Road Pittsburgh, PA 15241	13.60 acres	2.14464%
<b><u>TRACT #17 - 50.47 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	50.47 acres	7.95882%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) W.S. Ellis Heirs James W. Huffman, Agent 296 Timberleaf Beavercreek, OH 45430	50.47 acres	7.95882%
<b><u>TRACT #19 - 1.50 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	1.50 acres	0.23654%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Gaston Cook Heirs, Devises, Successors or Assigns	1.50 acres	0.23654%
(a) Mary Ann Bartram 1539 Nicolay Way Baltimore, MD 21201	0.150 acres 1/10 of 1.50 acres	0.02365%
(b) Jean C. Cline 1373 Ironwood Street Woodbridge, VA 22191	0.150 acres 1/10 of 1.50 acres	0.02365%
(c) Harold V. Cook P.O. Box 305 Oakwood, VA 24631	0.150 acres 1/10 of 1.50 acres	0.02365%
(d) Leslie K. Cook 2733 North Crede Avenue Crystal River, FL 32629	0.150 acres 1/10 of 1.50 acres	0.02365%
(e) Mamie K. Cook 1373 Ironwood St. Woodbridge, VA 22191	0.150 acres 1/10 of 1.50 acres	0.02365%
(f) Robert B. Cook Box 21 Rowe, VA 24646	0.150 acres 1/10 of 1.50 acres	0.02365%
(g) Nancy C. Duty P.O. Box 816	0.150 acres 1/10 of 1.50 acres	0.02365%

**Exhibit E**  
**VP8SGU1**  
**Docket No. VGOB-95/10/24-0526**  
**List of Conflicting Owners/Claimants**

Revised 8/11/05

	Net Acres in Unit	Interest in Unit
Grundy, VA 24614		
(h) Lawonne C. Gibson 2117 Old York Road York, SC 29745	0.150 acres 1/10 of 1.50 acres	0.02365%
(i) Kathy Diane Murray 140 Janice Drive Mt. Airy, NC 27030	0.150 acres 1/10 of 1.50 acres	0.02365%
(j) Francis C. Hincee 14411 North Fairview Lane Woodbridge, VA 22191	0.150 acres 1/10 of 1.50 acres	0.02365%
(k) Hazel C. Hart 1384 Longview Drive, Apt.5 Woodbridge, VA 22191	<b>(conflicting owner unknown interest)</b>	

**TRACT #20 - 1.39 acres**

**COAL FEE OWNERSHIP**

(1) Hugh MacRae Land Trust P.O. Box 29 Tazewell, VA 24651	1.39 acres	0.21919%
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**OIL & GAS FEE OWNERSHIP**

(1) Consolidation Coal Company Attn.: Land Dept. 1800 Washington Road Pittsburgh, PA 15241	1.39 acres	0.21919%
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**TRACT #22 - 11.14 acres**

**COAL FEE OWNERSHIP**

(1) T.R. Mullins, et al	11.14 acres	1.75671%
(a) Mildred C. Mullins 2500 Myers Avenue Dunbar, WV 25064	1.2378 acres 1/9 of 11.14 acres	0.19519%
(b) Ted R. Mullins, Jr. Sandra M. Gerende 2500 Myers Avenue Dunbar, WV 25064	2.4756 acres 2/9 of 11.14 acres	0.39038%
(c) Augustus C. Mullins Estate c/o Madeline M. Hunt P.O. Box 7305 Zephyrhills, FL 33544	3.7133 acres 1/3 of 11.14 acres	0.58557%
(d) George W. Mullins Executor Estate of John L. Mullins, Sr. Rt. 1 Box 40, Evergreen Hills Cottageville, WV 25239	3.7133 acres 1/3 of 11.14 acres	0.58557%

**OIL & GAS FEE OWNERSHIP**

(1) Buchanan Production Company P.O. Box 947 Bluefield, VA 24605	11.14 acres	1.75671%
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Exhibit E  
VP8SGU1  
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List of Conflicting Owners/Claimants

Revised 8/11/05

	Net Acres in Unit	Interest in Unit
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TRACT #24 - 0.30 acres

COAL FEE OWNERSHIP

(1)	Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac, Inc. P.O. Box 11000 Danville, VA 24543	0.30 acres	0.04731%
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OIL & GAS FEE OWNERSHIP

(1)	Commonwealth of Virginia 870 Bonham Road Bristol, VA 24201	0.30 acres	0.04731%
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VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 18<sup>th</sup> day of August, 20 05 12:21 P. M. The tax imposed by §587.1-802 of the Code has been paid in the amount of \$          . Deed Book No.        and Page No.       . Returned to: Same. TESTE: James M. Bevins, Jr., Clerk  
TESTE: Deputy S. C. Cline, Deputy Clerk

BM  
#25

ENTERED

INSTRUMENT #050002475  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
AUGUST 18, 2005 AT 12:21PM  
JAMES M. BEVINS, CLERK  
RECORDED BY: AKT